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Canada's Species at Risk Act - Experience To date and Issues of Trilateral Interest

Trilateral Committee for Wildlife and Ecosystem Conservation and Management

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- Overview of the Species at Risk Act
- Species at risk challenges, opportunities, and next steps in Canada
- Recent efforts in Canada related to species at risk relevant to US and Mexico



Introduction to the Species at Risk Act

- The purposes of the Act are to:
 - Prevent Canadian indigenous species, subspecies, and distinct populations from becoming extirpated or extinct;
 - Provide for the recovery of endangered or threatened species; and
 - Encourage the management of other species to prevent them from becoming at risk
- The Act establishes protection in traditional federal jurisdiction for listed species and their habitat necessary for survival and recovery (Migratory birds, aquatic species, on federal lands).
- The Act also allows for federal intervention where provincial and territorial governments have not provided protection.



Overview of the Species at Risk Act

SARA establishes a regime that includes:

Assessment: A requirement for the ongoing assessment of the status of species in Canada by the independent Committee on the Status of Endangered Wildlife in Canada (COSEWIC);

Listing: Authority for the Governor-in-Council to add species as endangered, threatened, special concern or extirpated to a Schedule of the Act that in turn allows for the Act's management tools to be applied.

Recovery planning: Requirements to undertake various recovery planning processes designed to support the survival and recovery of each listed species, including identification of "Critical Habitat" or habitat necessary for the survival or recovery of the species

Protection: Various protections for listed species, the nature and timing of which vary depending on the type and location of the species; and

Reporting: Public reporting, including reporting on progress toward survival and recovery for listed species.



Challenges for Species at Risk In Canada

- Legislated timelines for completing *Species at Risk Act* (SARA) deliverables are prescriptive and we are behind on implementation
- Provinces and Territories are important partners in species at risk management – given their substantial primary jurisdiction over wildlife in Canada, coordinated implementation is essential to success
- Migratory species recovery planning requires international collaboration
- Stewardship first approach for our regime requires additional policy and program approaches to succeed
- SARA establishes a species-specific approach and single-species planning is not the most effective approach to getting the results we need for species at risk



Opportunity - Transparent Planning to Allow for a Collaborative Approach

- Environment Canada is developing a three year plan to address the recovery strategy backlog on an expedited basis
- The objective of the plan is the posting of required proposed and final Recovery Strategies and Management Plans on the SARA Public Registry as required by SARA (approximately 190 species require plans over the next three years)
- Recovery planning requires understanding of issues faced by species outside Canadian range
- Implementation of efforts to recovery species requires a coordinated approach – within Canada and internationally



Opportunity – Clarify Policy and Operational Guidance to allow for Predictable Implementation

- Finalize policy and operational guidance for streamlined and predictable implementation of SARA
 - Population and Distribution objectives,
 - Identification of Critical Habitat,
 - Assessment of Protection,
 - Offsets – including looking at options for off-site offsets
 - Section 11 Agreements,
 - Permitting



Opportunity – Tools for Pragmatic Implementation of SARA

- Promote and fund increased use of voluntary stewardship activities
- Promote and implement mechanisms such as Conservation Agreements, offsets and permits
- Pursue multi-species approaches where appropriate, e.g., pilot/showcase several ecosystem based action plans
- Pursue discussions with Aboriginal Peoples to facilitate engagement in recovery planning, action planning and protection on Aboriginal Lands
- Deepen socio-economic analysis supporting regulatory decisions



Species at Risk Program Update

- As of May 2014, there were 518 species listed under SARA, 331 of which are under Environment Canada's (EC) responsibility. EC has posted recovery documents for 148 species.
- In the past two years (2012-2014), over 380 new projects were advanced as part of the Habitat Stewardship Program for Species at Risk and the Aboriginal Fund for Species at Risk
- Key recovery strategies delivered (e.g. Boreal Caribou, Sage Grouse)
- Key recovery strategies and management plans under development (e.g. Canada Warbler, Olive-sided Flycatcher, Little Brown and Tricoloured Bats, Polar Bear, Monarch Butterfly)



Opportunities for Collaboration: Bird Species at Risk Found in Canada, U.S., and Mexico

- Only 22% of Canadian bird species spend the whole year in Canada; most migrate to the United States (33%) or to Central Mexico and the Caribbean (23%)
 - The remainder migrate to South America, Europe or Asia, or even spend long periods of time at sea
- Because most bird species migrate outside of Canada, international cooperation is required to address these threats
- Threats are often loss of habitat at stopover sites and on wintering grounds, which are often outside of Canada
- Efforts to conserve and protect species in Canada requires a focus on conservation actions for highest priority species, habitats, and geographic areas, including those in the United States and Mexico



Opportunities for Collaboration: Bird Species at Risk

- Numerous opportunities to collaborate with American and Mexican partners in developing recovery strategies for shared bird species at risk (e.g. Olive-sided fly-catcher, Canada Warbler, Red Knot, Burrowing Owl)
 - Beginning this year, there will be a stronger role played by Environment Canada's Migratory Birds program in developing recovery documents and preparing action plans for all bird species at risk
 - Migratory birds program will also be linking recovery approaches for bird species at risk to the eco-region, multi-species approach identified in Bird Conservation Region strategies
- Additional and ongoing investments needed in research, monitoring, stewardship and conservation initiatives across the full range of shared bird species
- Examples of collaborative approaches include:
 - Partners in Flight (e.g. in 2010, Canada, Mexico and the US worked collaboratively to produce the publication "*Saving our Shared Birds: Partners in Flight Tri-national Vision for Landbird Conservation*")
 - North American Bird Conservation Initiative (NABCI) and Joint Ventures (JVs) under NAWMP



Greater Sage Grouse

- The Greater Sage-Grouse was listed as Endangered under SARA in 2003. Populations have declined by 98% since the 1980s.
- SARA Emergency Protection Order for the Greater Sage-Grouse came into force on February 18, 2014 to address imminent threats to its survival or recovery. The Order:
 - applies to portions of southern provinces of Alberta and Saskatchewan;
 - contains year-round prohibitions against the destruction of native plants, the construction of tall or noisy structures, new roads and fences that are not Sage-Grouse friendly.
 - includes seasonal noise restrictions in April and May each year near Greater Sage-Grouse mating areas (leks).
- International Collaboration
 - We continue to cooperate on initiatives such as the Northern Sagebrush Steppe Initiative (NSSI) and other trans-boundary initiatives
 - Increased collaboration and shared expertise would support recovery in areas such as Captive Breeding, re-introductions into the wild, translocation where feasible, monitoring along the Canada-US border.



Polar Bear

- Polar Bear was listed as a Species of Special Concern in 2011
 - Sensitive to environmental factors but not in danger of becoming extinct
- A SARA Management Plan is required for the species by 2014:
 - Goal of Management Plan is to prevent the polar bear from becoming threatened or endangered by having responsible Canadian and foreign agencies work cooperatively to care for the polar bear and its habitat
 - Management Plan will outline the threats; goals and objectives for maintaining sustainable populations; the broad strategies and conservation measures to address the threats; and indicators for measuring progress



Woodland Caribou

- The Boreal population of the Woodland Caribou is listed as a threatened species under SARA
 - Local populations have decreased throughout most of their distribution in Canada due to unnaturally high predation rates as a result of habitat alteration from both human land use activities and natural occurrences
- Final recovery strategy for the Boreal population of the Woodland Caribou posted in October 2012
 - Provides a framework for subsequent development and implementation of range plans and action plans led by provincial and territorial jurisdictions.
 - Majority of critical habitat identified in recovery strategy is located on non-federal lands. Under SARA, Government of Canada looks first to provinces and territories to protect this habitat



Bats and the White Nose Syndrome

- The Little Brown Myotis, Tri-colored, and Northern Myotis bats are undergoing rapid population declines due to the White Nose Syndrome disease (caused by a fungus)
- In 2012, COSEWIC advised the Minister of the Environment that it had assessed on an emergency basis the three bat species as Endangered.
- This assessment is then considered for listing the species under SARA, which involves a regulatory process with a decision by the Governor in Council (GIC).
 - Officials continue to gather and assess information with the objective of supporting Ministerial decision regarding listing based on the best information available
- Federal and provincial/territorial governments have prepared a National Plan to Manage White Nose Syndrome (WNS). Federal scientists are working with Canadian academics to keep abreast of the latest science from around the world, and additional federal funding has been provided to support these efforts.
- Examples of Federal protection efforts:
 - Parks Canada has restricted access to several caves to authorized researchers and is conducting research at Glacier National Park and other locations



Summary and Next Steps

- Canada's plan moving forward on implementation of SARA includes:
 - Expedited completion of SARA recovery planning documents;
 - Finalizing policy and operational guidance for predictable transparent planning and more coordinated approaches to the implementation of SARA; and
 - Focusing on pragmatic implementation of SARA such as increasing availability of non-regulatory tools for species protection
- Recovery efforts require an understanding of issues faced by species outside their Canadian ranges and a coordinated approach within Canada and internationally
- The Canadian Wildlife Service is interested in looking at where joint action could be taken on bilateral and trilateral species at risk:
 - Recovery strategies for birds and other migratory species
 - Addressing threats and risks
 - Multi-species approaches



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How are Species Assessed?

- Assessment is conducted by the Committee on the Status of Endangered Wildlife in Canada (COSEWIC)
 - Independent committee of experts appointed by the Minister of Environment
 - Membership includes: government, academia, Aboriginal organizations, non-government organizations and the private sector
- COSEWIC assessments based on:
 - Status of wildlife in Canada, not globally
 - Scientific knowledge, Aboriginal Traditional Knowledge and community knowledge



What Happens after Assessment?

- Minister of Environment determines recommendation to the Governor in Council for the species under SARA.
- Upon receipt of the assessment and recommendation from the Minister of Environment, the Governor in Council can decide to:
 - a) list the species under SARA;
 - b) not list the species; or
 - c) refer the matter back to COSEWIC for more information
- Once a species is listed, two SARA requirements engage immediately:
 - Protection of individuals and residences on federal land for all species except Special Concern; and
 - Recovery Planning (production of Recovery Strategies or Management Plans)



What is a Recovery Strategy?

- Under the Act, if a wildlife species is listed as extirpated, endangered or threatened, the competent minister must prepare a strategy for its recovery
- A recovery strategy will identify threats to the survival of the species and its habitat, and how these threats can be addressed
- The recovery strategy will include an objective for the population and distribution of the species, identify critical habitat and commit to an action plan
- For species of special concern, a management plan must be prepared and there is no identification of critical habitat
- Documents prepared in cooperation with other federal ministers, governments, Aboriginal organizations, and in consultation with any landowners/persons directly affected by the document



What is Critical Habitat and how is it Protected?

- Critical Habitat is defined in SARA as “the habitat necessary for the survival or recovery of a listed wildlife species” and is comprised of a geographic area and a description of the ecological features required by the species
- Identification of critical habitat triggers the habitat protection elements of the Act, but SARA’s prohibitions against destruction of critical habitat are not automatic
- For federal protected areas, protection is in place 90 days after a notice is published in the *Canada Gazette*
- If Minister concludes that other laws/suitable instruments do not protect critical habitat, and after consultation with other federal ministers, or provincial/territorial ministers, Minister of the Environment must:
 - Make an order, within 180 days, to prohibit the destruction of critical habitat if it is on federal lands or for the habitat of an aquatic species
 - Recommend that GIC prohibit the destruction of critical habitat found on private/provincial lands; GIC may accept or reject the recommendation



Collaborative Approaches Enabling Stewardship and Cooperation

- SARA equips the Minister with several broadly enabling tools to encourage/support necessary recovery actions.
- Tools for cooperation under SARA include:
 - Conservation agreements (Section 11)
 - Administrative Agreements (Section 10)
 - Financial Agreements (Section 13)
- Voluntary stewardship is key to species conservation. There are currently three federal funding programs to encourage stewardship actions:
 - Habitat Stewardship Program (HSP)
 - Aboriginal Fund for Species at Risk (AFSAR)
 - Interdepartmental Recovery Fund (IRF) (federal lands only)

